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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,554	09/21/2000	Tomonobu Sato	500.35453CX1	7594

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EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,554

Applicant(s)

SATO, TOMONOBU

Examiner

William C. Vaughn, Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-17, 19-22 and 24-27 is/are rejected.
- 7) ☒ Claim(s) 18 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4.5</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in regards to the latest correspondence received 08 November 2001.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statement submitted on 21 September 2000 and 08 November 2001, have been considered by the examiner (see attached PTO-1449).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-17, 19-22 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kouheris et al. (Kouheris), U.S. Patent No. 5,758,085 in view of Ottesen et al. (Ottesen), U.S. Patent No. 5,721,815.

5. Regarding independent claims 14, 22 and 26, (e.g., exemplary independent claim 14), Kouheris discloses the invention substantially as claimed. Kouheris discloses *a process of transferring multimedia information in a multimedia information transfer system which comprises a multimedia server [see Kouheris, item 10], a client server [see Kouheris, item 20] system coupled to said multimedia server via a network [see Kouheris, item 50], and a matrix table coupled to said multimedia server for status management [see Kouheris, Col. 5, lines 25-41], said process comprising the steps of: storing and reproducing, at said multimedia server, data streams of multimedia information [see Kouheris, Col. 19, lines 1-7]; dividing said multimedia information, at said multimedia server, into N data blocks (where N is an integer no*

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less than 2), and each of which N data blocks includes n data units (where n is an integer no less than 1), sequentially transferring said multimedia information divided into N data blocks to said client server of said client server system on a data block basis [see Kouoheris, Col. 7, lines 16-47], and sending a request to transfer said multimedia information divided into N data blocks from said client server to a proper field of said matrix table [see Kouoheris, Col. 5, lines 45-67]; requesting, at said client server, said multimedia server to divide said multimedia information into N data blocks and to transfer N data blocks of said multimedia information to said client server [see Kouoheris, Col. 5, lines 45-67 and Col. 6, lines 1-37]; and storing and registering, at said client server, the transferred data blocks of said multimedia information [see Kouoheris, Col. 8, lines 32-62, Col. 13, lines 3-55, Col. 15, lines 5-17]. However, Kouoheris does not explicitly disclose providing a visual display of said multimedia information concurrently with the storage and registration of said multimedia information.

6. In the same field of endeavor, Ottesen discloses in (e.g., a media on demand system). Ottesen discloses providing a visual display of said multimedia information concurrently with the storage and registration of said multimedia information [see Ottesen, Col. 49, lines 29-33].

7. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Ottesen's teachings of media on demand communication system with the teachings of Kouoheris, for the purpose of effectuating transmission, reception and processing of source program signals between a remote multimedia server and a plurality of local set-top control system [see Ottesen, Col. 3, lines 20-24] which would save the viewer time but allow the information to be kept for later replay without tying up

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communications channels again. By this rationale **independent claim 14, 22 and 26** are rejected.

8. Regarding **claim 17**, Kouheris disclose *wherein said matrix table includes a transfer status area which indicates whether the transfer of all N data blocks of said multimedia information is complete, and a receive status area which indicates the reception of said multimedia information* (Kouheris teaches that an output adapter can generate an acknowledgement back to the host to indicates successful transfer of video message. Kouheris further teaches that this information is obtained from the stream control table.), [see Kouheris, Col. 11, lines 40-59], *wherein said transfer and receive status areas are updated each time transfer and reception operations are executed* [see Ottesen, Figure 18]. The same motivation that was used in claim 14 applies equally as well to claim 17. By this rationale **claim 17** is rejected.

9. With regards to dependent claims 15-16, 19-21, 24, 25 and 27, the limitations of these claims are taught within the figures and disclosure of Kouheris-Ottesen.

Double Patenting

10. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claims 14-27 are rejected under the judicially created doctrine of double patenting over claim 1 of U. S. Patent No. 6,173,328 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: The instant application does not explicitly disclose N data blocks (where N is an integer no less than 2), and each of which N data blocks includes n data units (where n is an integer no less than 1). It would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated these features.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application, which matured into a patent.

Allowable Subject Matter

12. Claims 18 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

- a. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or suggest wherein said multimedia information divided into N data blocks is transferred from said multimedia server to said

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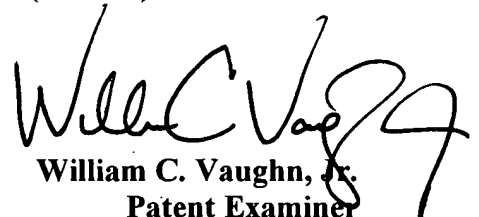
client server of said client server system independently of the update of said transfer and receive status areas of said matrix table.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William C. Vaughn, Jr.
Patent Examiner
Art Unit 2143
01 April 2004